

Centennial 2020 Agenda for July 9

1. Review and approval of minutes from two meetings.
2. Review of FOIA requirements
3. Support of National Monument, write to Congressional Reps.
Stacie Burton, guest
4. Melanie RossLevin: Update on employment of Project Manager
5. Melanie RossLevin: report from communications committee
6. Jack Young: Parade related items:
 - a. date, September 26, 2020 is recommended
 - b. discussion of parade route
 - c. update on permit process with City and State
 - d. ancillary events: First State Heritage Park
6. Dick Carter:
 - a. monument
 - b. Pomeroy marker

DELAWARE FOIA QUICK REFERENCE GUIDE FOR OPEN MEETING REQUIREMENTS*

***this is only a summary for reference and not a complete listing of FOIA please
refer to Title 29 Chapter 100 or seek additional legal guidance to ensure
compliance**

1. **All meetings must be open to public unless a specific exception applies.**
Any meeting of the **public body** shall be open to the public (unless a listed exception applies). See 29 Del. C. § 10004(a)
 - a. Recognized exceptions for an “executive session” for discussion (closed meeting) 29 Del. C. § 10004(a), (b)(1)-9). Must follow specific procedures and all votes must occur in public open meeting. See section on executive sessions.
 - b. Public body is a very broad definition and basically includes all meetings unless the meetings are a committee of one or are specifically excluded. As a matter of example the term includes “any ad hoc committee, special committee, temporary committee, advisory board or committee, subcommittee, legislative committee, group, panel, council or any other entity or body established by an Act of the General Assembly” (G.A.) or “created by an entity established by the G.A; if the entity receives or is supported by public funds, expends public funds, or “is impliedly or specifically charged by any other

public official, body, or agency to advise or to make reports, investigations, or recommendations.”

- c. A meeting is defined as “the formal or informal gathering of a quorum of the members of any public body for the purpose of discussing or taking action on public business either in person or by video-conferencing.” 29 Del. C. § 10002(g).

2. Public Notice must be provided for all Regular meetings including if there will be an executive session. Public notice must be posted in several different ways.

- a. **THE PUBLIC NOTICE MUST BE GIVEN AT LEAST 7 DAYS IN ADVANCE OF THE MEETING.** There are some exceptions for emergency meetings or special meetings and individual legal advice should be obtained if the situation arises.

b. The Notice must include the following:

- 1. The name of the entity/group/commission/taskforce, etc.
- 2. Date, Time, and Place of the meeting;
- 3. Notice if the meeting will be conducted via video-conferencing.
- 4. Notice of any intent to hold an executive session closed to the public and the reason.
- 5. The Agenda at the time of the posting (may be amended up until 6 hours prior to meeting).

- c. **Notice of the meeting must be given on the State of Delaware website approved by the Secretary of State (Public Meeting Calendar).**

- d. Notice of the meeting must be conspicuously posted in the following locations:

- 1. The principal office of the public body;
- 2. The place(s) where the meetings are regularly held; and
- 3. Also make must make a reasonable number of copies of the notice available for the public to take.

- e. If the meeting is being held by video conference the following also applies:

- 1. The Notice must advise that the meeting is being held with Video Conferencing.
- 2. The locations of the video conference must be noticed (on the state calendar, agenda, & physical locations) and open to the public for members of the public to attend.

3. All locations of the video conference must be within Delaware.
 4. During the meeting the following protocols must be met:
 - a. all members must be identified;
 - b. the participants must be able to communicate with each other at the same time;
 - c. members of the public attending the meetings at all locations must be able to hear and view the communications among the members.
 5. Video Conferencing is not permitted when a verbatim transcript of the proceedings may be required by law (except for rules & regulations hearings) or when the Chair determines that physical attendance is required at a single location.
- f. **AGENDA - The Notice must include the agenda.** The agenda needs to include the “major issues expected to be discussed” or for action. The best practice is to post the agenda as soon as it set. An amended agenda can be posted and should be posted if the amendments are made prior to the meeting. As a best practice, If the agenda is set at the previous meeting it can be posted a week after the regular meeting when the approved minutes of the prior meeting are added to the public calendar designated by the Secretary of State. **If the agenda was not determined when the meeting was originally posted, it must be posted at least 6 hours in advance of the meeting and must include the reasons for the delay (i.e. why it could not be posted at least 7 days in advance).**
3. **Minutes must be maintained of every meeting including executive sessions.** The Minutes must be made available for public inspection and copying.
- a. The minutes must contain the following:
 - i. a record of the members present; and
 - ii. a record by individual members of each vote taken and the action agreed upon (including any executive session and the recognized exception and the vote taken).
 - b. The minutes must also be posted within 5 working days of final approval on the public meeting web site as designated by the Secretary of State.

- c. All public bodies that meet 4 or fewer times per year shall electronically post draft minutes of open public meetings within 20 working days after the conclusion of the meeting.

